



# **TUCSON CITY COURT PERFORMANCE**

## **Fiscal Year End 2004 Executive Summary**

Tucson City Court has realized significant improvements in its performance in 2004. Revenue has continued to increase with the use of sentence enforcement court and the pilot FARE program. And while the volume of cases has declined, Tucson City Court still has the highest volume of cases per magistrate in the state. Tucson City Court continually meets the time period requirements of Rule 8 of AZ Criminal Procedure in quickly deciding cases even as the use of special magistrates has declined. Continued process improvements and focus on future enhancements will allow the Tucson City Court to continue its successful performance.

### Revenue Growth:

Tucson City Court has continued to recognize a steady increase in gross and net revenues with a 10% increase in net revenues and a 9% increase in gross revenues from 2003 to 2004.

### Case Volume Decline:

These revenue gains have been realized even when charges filed have been declining. DUI, criminal traffic (non-DUI) and civil traffic charges have been gradually decreasing due in large part to a drop in field officers available to make traffic stops. The most substantial decrease in percentages is in civil traffic where the number of charges filed has declined 26%. Parking charges filed have decreased by 11% from 2003 to 2004. Criminal misdemeanor charges filed have decreased by nearly 5% from 2003 to 2004. Civil ordinance charges have increased by 12% from 2003 to 2004 as the police have been enforcing junk motor vehicle regulations and noise ordinances. Petitions filed for domestic violence and harassment have dropped 13% between 2003 and 2004 due to the new case management process that defines where a petition must be filed resulting in a reduced number of filings at Tucson City Court. The number of outstanding warrants decreased by 21% from fiscal year 2003 to 2004 as a result of the Presiding Judge's (Honorable John Leonardo) order that all warrants be served.

### Case Management:

Tucson City Court magistrates handle the highest volume of cases in the state. Phoenix is the only municipality whose case volume compares to Tucson. This volume is handled at a time when the use of special magistrates has fallen sharply by 25% from 2003 to 2004. The number of bench and jury trials has declined by 14% from 2003 to 2004, and the number of hearings has declined by 7% in the same period. In 2004 Tucson City Court tried cases on an average of 112 days from arraignment, well within the Rule 8 requirements. The Court exceeds those standards even though it handles a higher number of criminal cases than other courts, and these cases take more time to manage than other types (especially civil traffic).

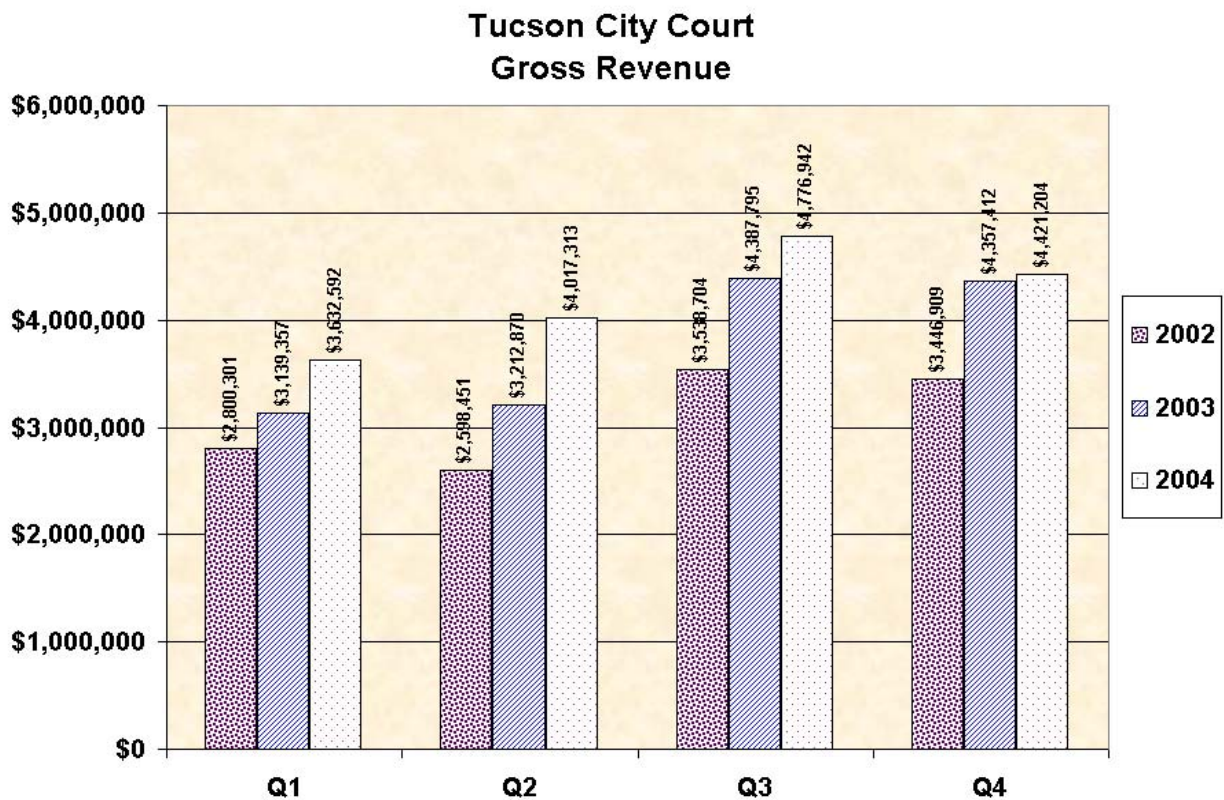
### Efficiency Improvements:

Tucson City Court has developed key efficiencies that enable it to increase revenues even as case volumes fall. The sentence enforcement court has had the most substantial impact collecting fines and fees. Additionally, Tucson City Court is slowly instituting the FARE (Fines and Restitution Enforcement) program that shifts collection burdens to an outside agency. When fully implemented it is expected that the outside agency will be able to send more notices to defendants and improve tracking of receivables. While the current effects are small it is expected to bring about increased revenues, and should be fully on-line after the Phoenix program is implemented.

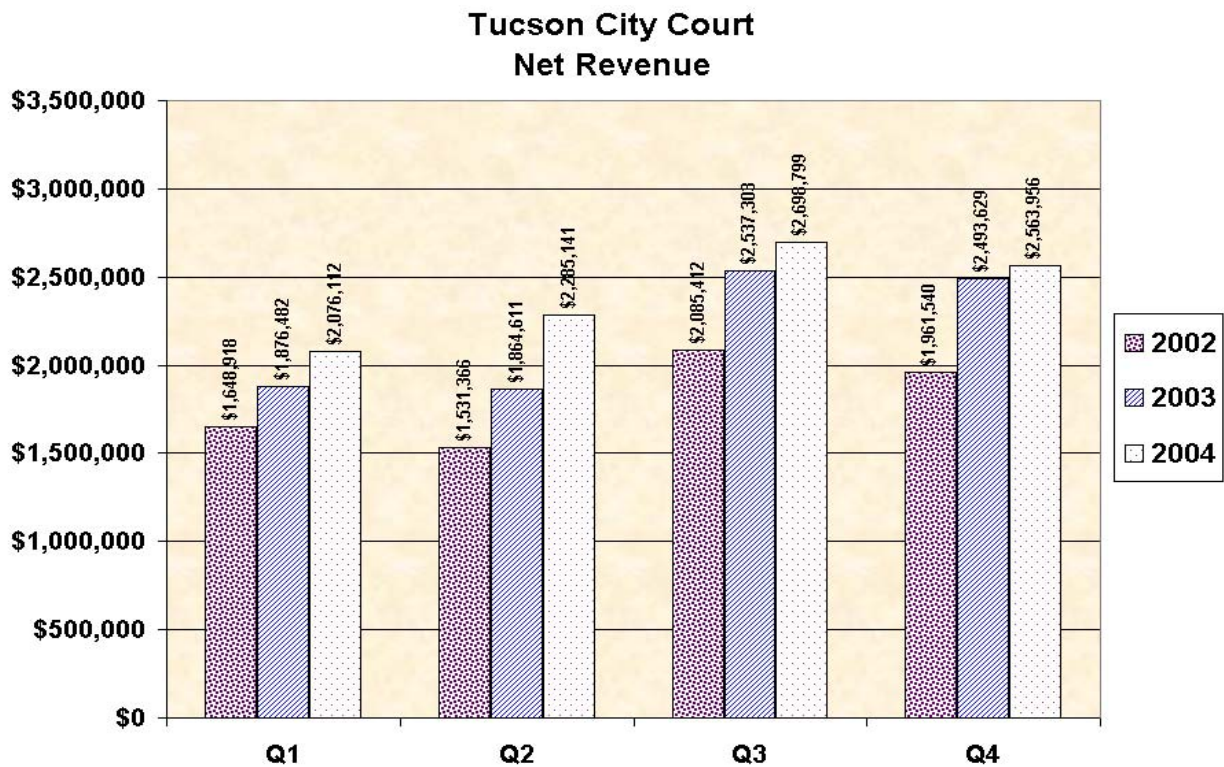
The "all-assigned calendar" has also led to increased efficiency. At the time of arraignment all cases are assigned to a particular magistrate. Under the old system (effective through February 2003) the Court only assigned domestic violence and DUI cases to a magistrate at arraignment. Cases were then placed in a general queue and there was no guarantee that the magistrate and prosecutor from the pre-trial would be managing the trial. Now the same prosecutor and magistrate manage the case from pre-trial through trial. This provides higher incentive for them to better manage cases. The court has also placed a case manager in each courtroom that is responsible for updating the cases while court is in session. This keeps the files in an almost real time status and also provides the added benefit of allowing magistrates to issue same day warrants.

Ongoing Changes:

Tucson City Court is continuously looking for new methods to improve its efficiencies. It is developing a program where the magistrate's minute entry will automatically update the Court's computer system thus reducing the need for case managers to capture the information. Another program that is being developed in conjunction with the Tucson Police Department is an "auto citation entry" that would allow police officers to download their citations into Tucson City Court's computer system.

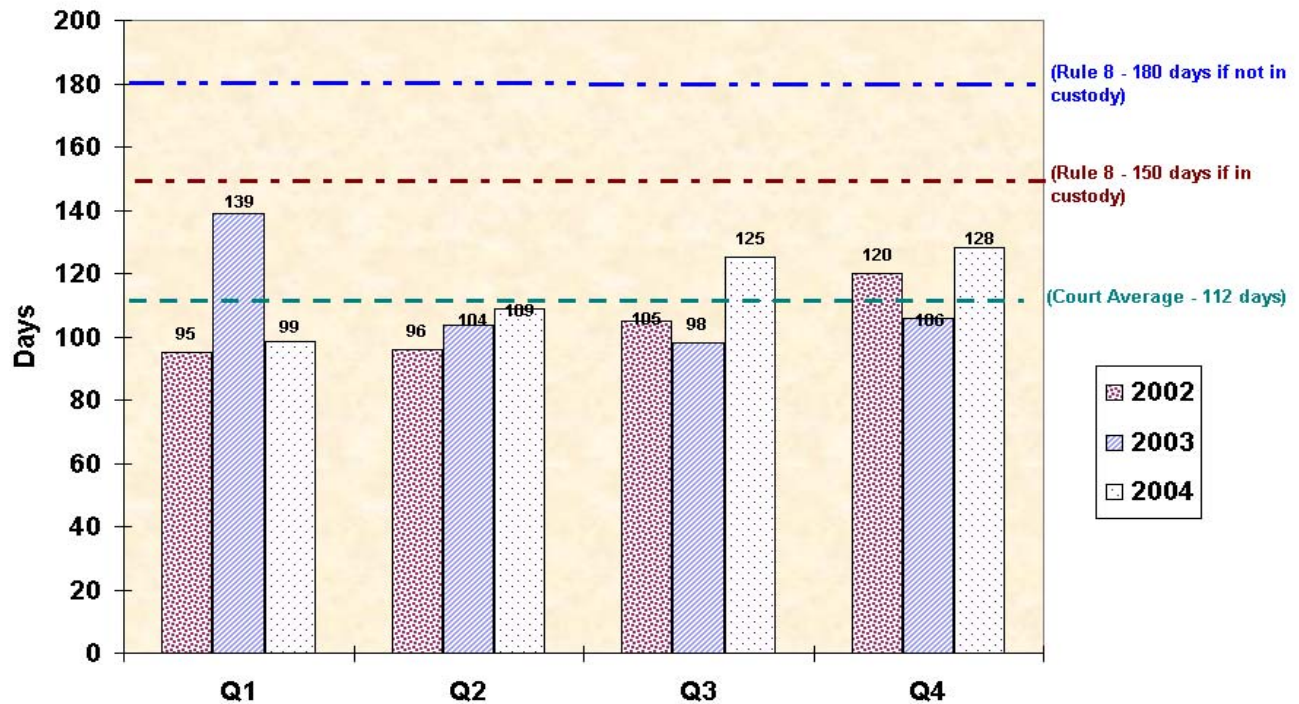


Gross revenue includes fees, fines and bond revenues. Tucson City Court has shown a consistent increase in gross revenue since 2002. In 2002 Tucson City Court recognized gross revenue of \$12,384,365. In 2003 it recognized gross revenue of \$15,097,434, and in 2004 it recognized gross revenue of \$16,848,051, a 10% increase. Respectively, the increases in gross revenue by quarter from 2003 to 2004 were, Q1: 14%, Q2: 20%, Q3: 8%, Q4, 1%. Tucson City Court did realize a slight drop in 2004 gross revenue from the 3<sup>rd</sup> to 4<sup>th</sup> quarters, but as mentioned previously, 4<sup>th</sup> quarter was still ahead of the same period in 2003. The court has continued to realize revenue gains even though charges filed by the Tucson City Police have been declining. This is due to the court's continued focus on increasing efficiencies.



Net revenue consists of the gross revenue less bond accounts and the state fees that are turned over to the state. Tucson City Court has shown a consistent increase in net revenues since 2002. In 2002 Tucson City Court recognized net revenue of \$7,227,236. In 2003 it recognized net revenue of \$8,772,025, and in 2004 it recognized net revenue of \$9,624,008, a 9% increase. Respectively, the increases in net revenue by quarter from 2003 to 2004 were, Q1: 10%, Q2: 18%, Q3: 6%, Q4, 3%. Tucson City Court did realize a slight drop in 2004 net revenue from the 3<sup>rd</sup> to 4<sup>th</sup> quarters, but as mentioned previously, 4<sup>th</sup> quarter was still ahead of the same period in 2003.

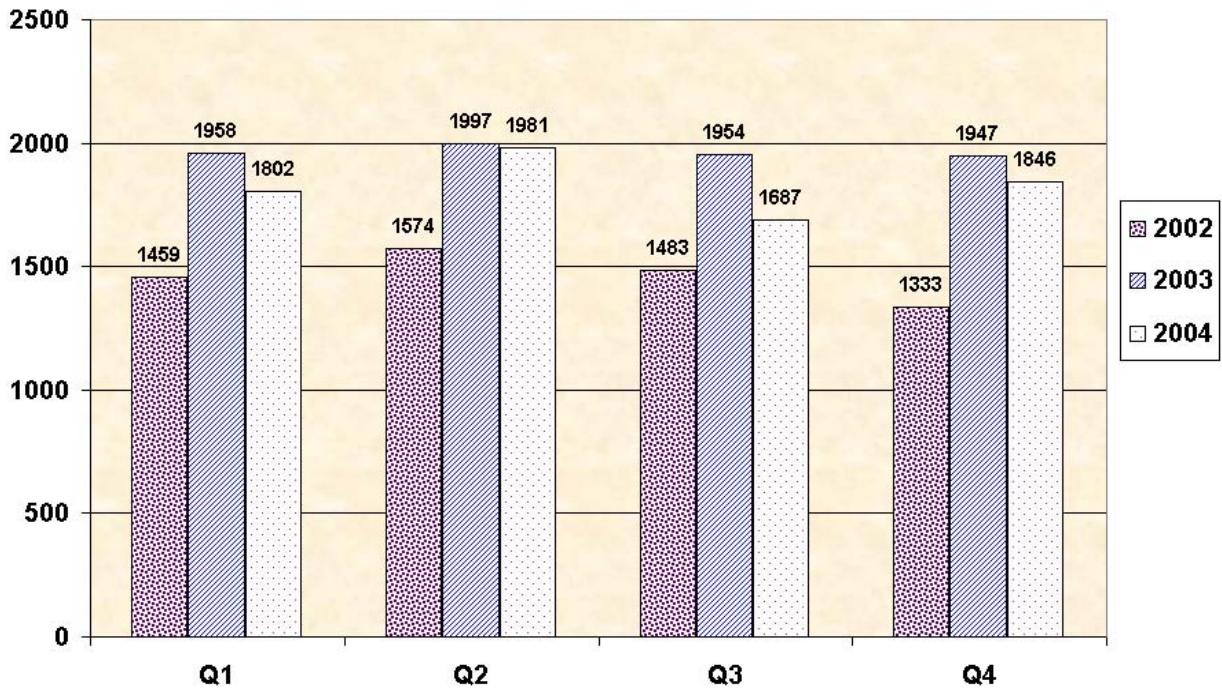
## Tucson City Court Arraignment to Disposition



Rule 8 of Arizona Criminal Procedure requires the court to try a case within 180 days from arraignment when the defendant is not in custody. That time is reduced to 150 days when the defendant is in custody. Tucson City Court averages 112 days from the time of arraignment to the time of disposition, which is well below either of the statutory time periods. Although the time from arraignment to disposition has been increasing since 2002, this rise is attributable to the switch to an all-assigned calendar. Cases from the previous case assignment process have been assigned to magistrates and it is taking time for these cases to be closed.



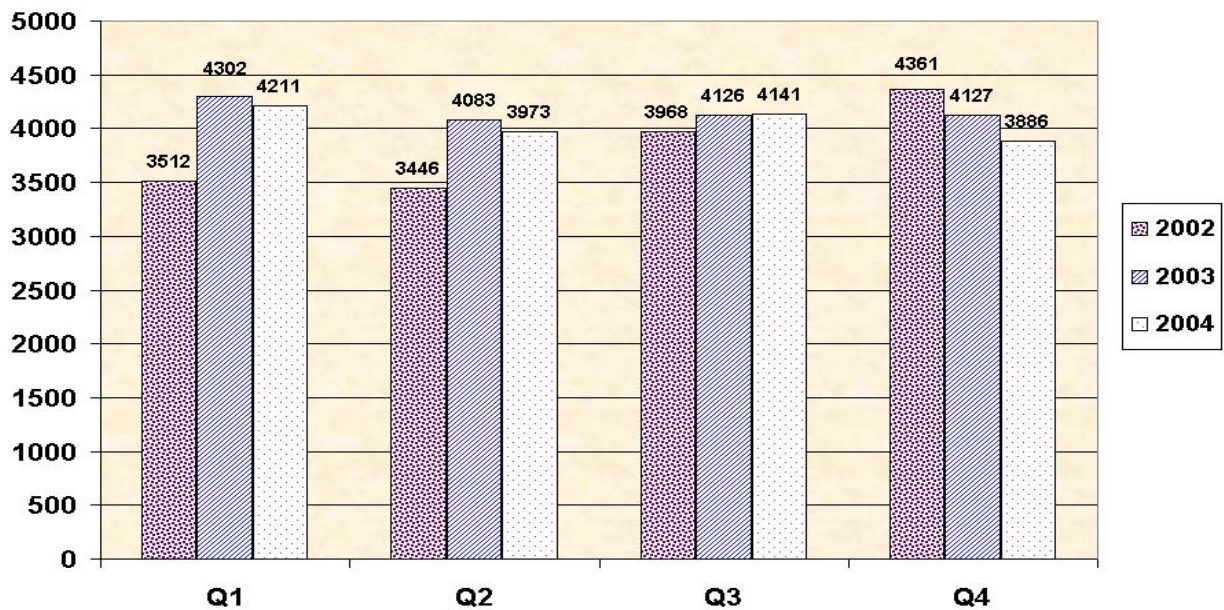
## Tucson City Court Charges Filed: DUI



Although there was a steep rise in the number of DUI charges filed by the Tucson City Police from 2002 to 2003, the number of charges filed has declined some through 2004. In 2002 the Tucson City Police had filed 5,849 DUI charges, but this increased significantly to 7,856 charges filed in 2003. This increase is attributable police policy changes that took effect the beginning of fiscal year 2003. According to Assistant Chief of Police, John Leavitt, the Midtown precinct began requiring officers to include copies of DUI reports/investigations with their officer evaluations. This policy caused an increase in the number of investigations that were conducted. In addition, during 2003 there was a push on all youth alcohol offenses, leading to 1,100 arrests, some of which were DUI. Finally, the night motors department shifted its focus to concentrate more heavily on DUI stops.

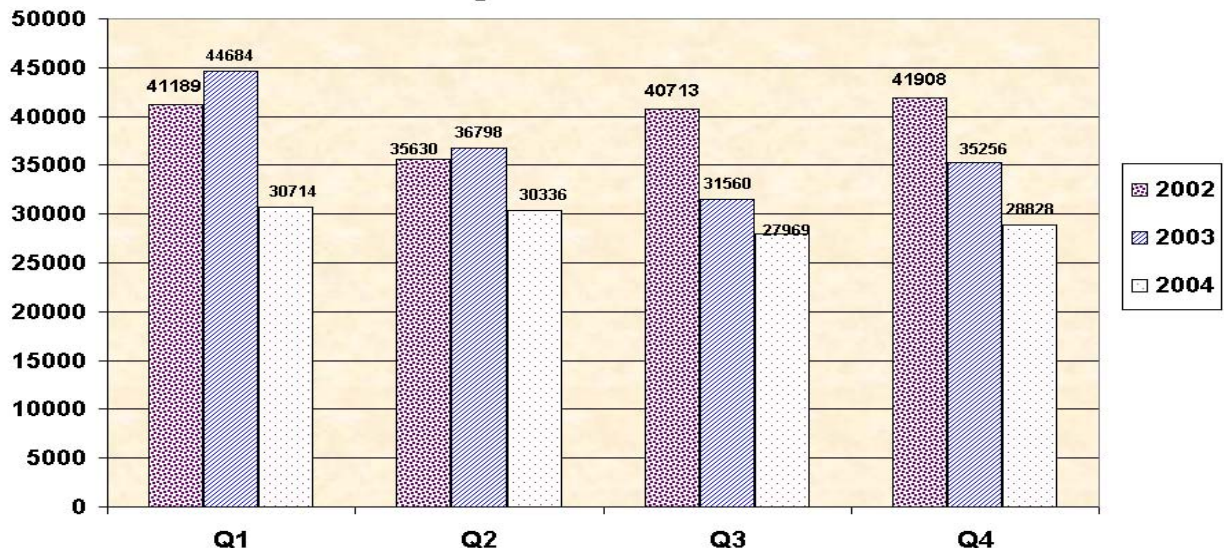
In 2004 the City of Tucson police has filed 7,316 DUI charges down 7% from 2003. Respectively the quarter declines from 2003 to 2004 were, Q1: -9%, Q2: -8%, Q3: -16%, Q4: -5%. This decline is due to increased call volumes and decreased staffing in the field. The traffic stops that routinely lead to DUI citations have declined, as fewer officers are available for traffic duty. In addition, DUI investigations are complex and take a great deal of time for officers to complete, and with the reduced amount of discretionary time available to officers these investigations have been declining.

### Tucson City Court Charges Filed: Criminal Traffic (Non-DUI)



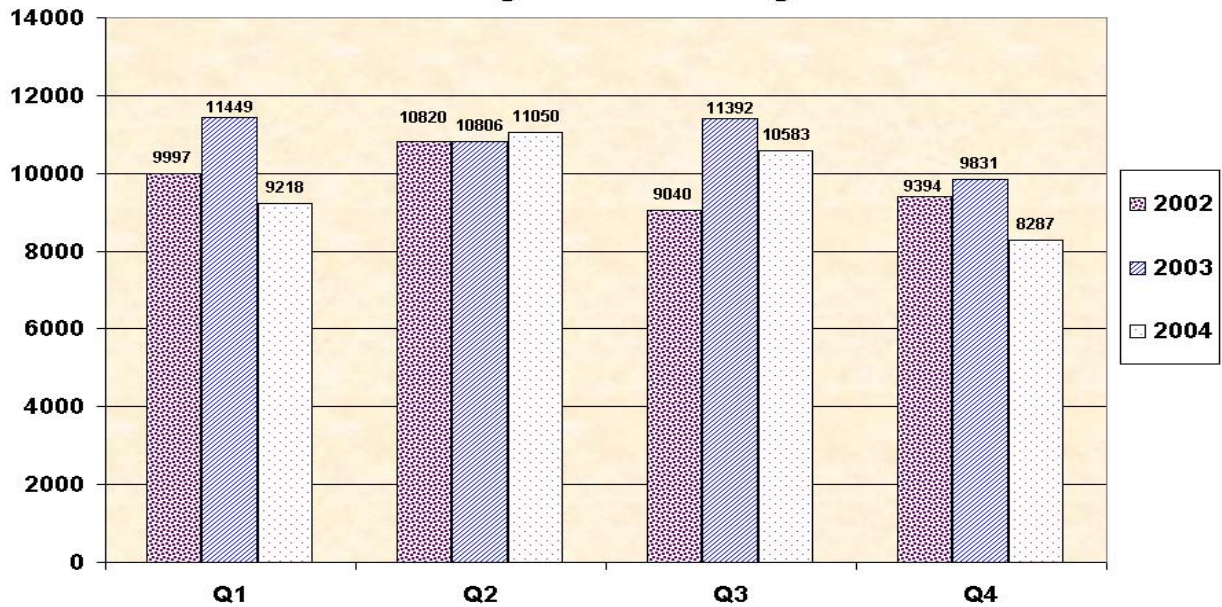
Criminal traffic offenses include: driving on a suspended license, leaving the scene of an accident, reckless driving, exhibiting signs of acceleration, and speeding in excess of 20 miles over the speed limit. While the number of criminal traffic cases filed by the Tucson City Police rose steadily from 2002 to 2003, the number has slightly declined in 2004. In 2002 the number of criminal traffic charges filed was 15,287. In 2003 the number of criminal traffic charges filed was 16,638 declining to 16,211 in 2004, a 3% decrease. Respectively, the changes in criminal traffic charges by quarter from 2003 to 2004 were, Q1: -2%, Q2: -3%, Q3: flat, Q4: -6%. The decrease in the charges filed can be attributed to the steady decline in police ranks as call loads have increased. The steady force decrease began in 2002 and has continued through 2004, mostly a result of budgetary cuts. During this time the Tucson City Police Department has lost 66 field officer positions and therefore has had to sacrifice traffic stops for more pressing police concerns.

### Tucson City Court Charges Filed: Civil Traffic



The number of civil traffic cases filed by the Tucson City Police has steadily declined from 2002 to 2004. In 2002 the number of civil traffic charges filed was 159,440. In 2003 the number of civil traffic charges filed was 148,298 which declined further to 117,847 in 2004, a 26% decrease. Respectively, the decreases in civil traffic charges by quarter in 2003 to 2004 were, Q1: -45%, Q2: -21%, Q3: -13%, Q4: -22%. The decline in charges filed can be attributed to the steady decline in police ranks as described in the above criminal traffic section.

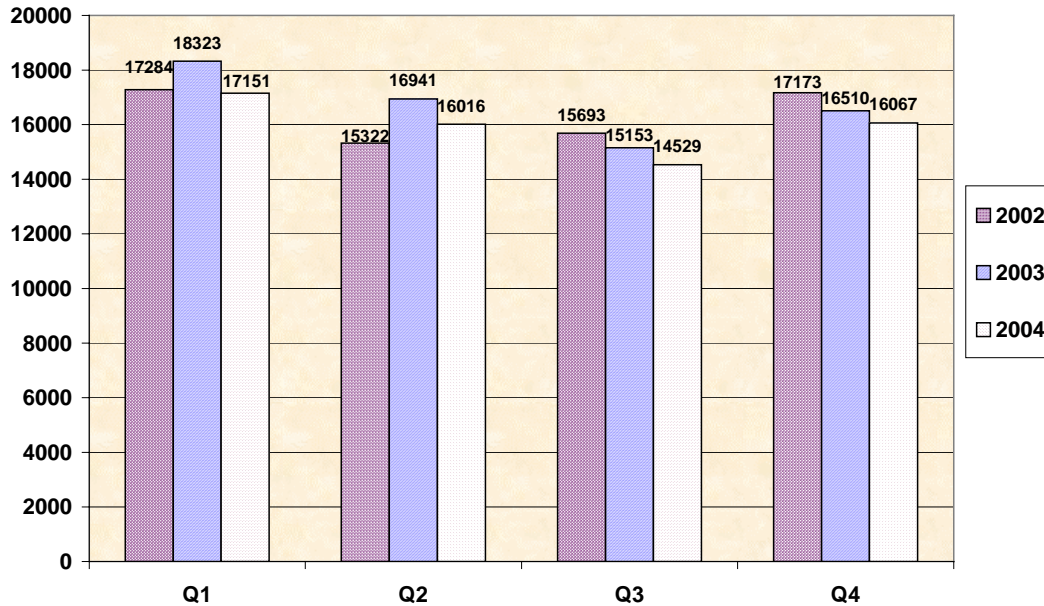
### Tucson City Court Charges Filed: Parking



While the number of parking cases filed increased from 2002 to 2003, the number has declined from 2003 to 2004. In 2002 the number of parking charges filed was 39,251. In 2003 the number of parking charges filed was 43,478 which declined to 39,138 in 2004, a 11% decrease. Respectively, the changes in parking charges by quarter from 2003 to 2004 were, Q1: -24%, Q2: 2%, Q3: -8%, Q4: -19%.

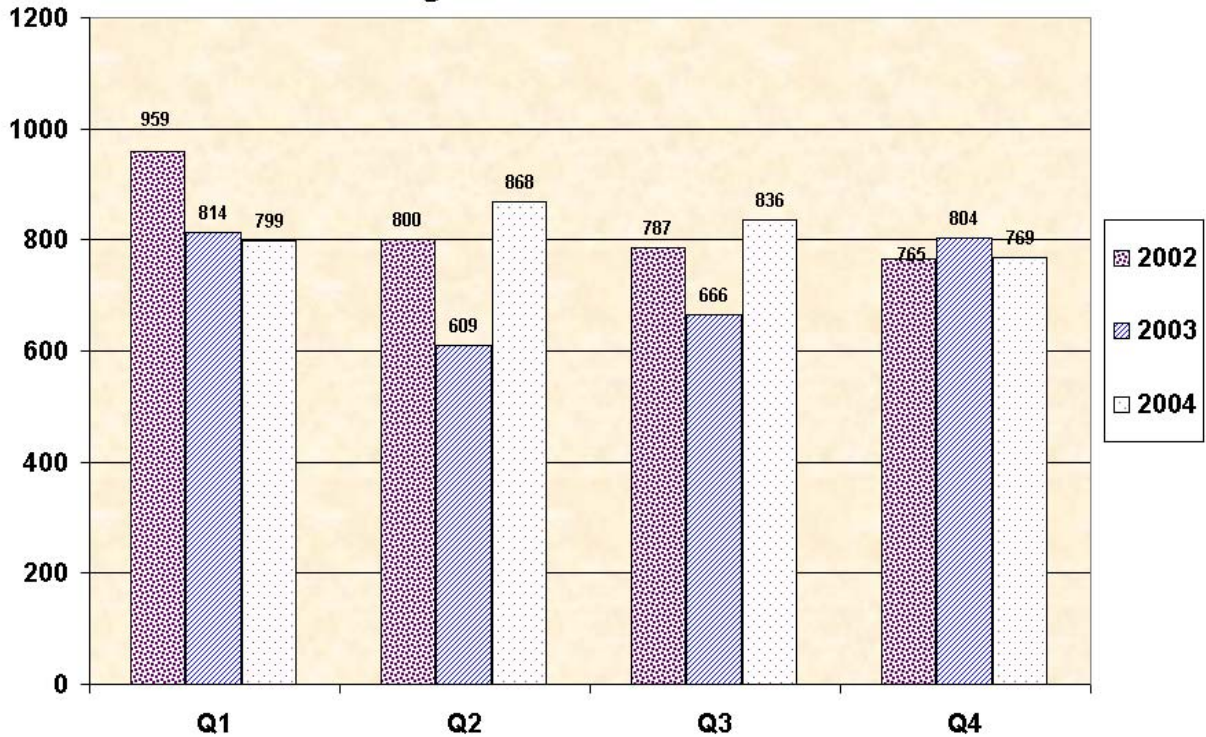


### Tucson City Court Charges Filed: Criminal Misdemeanor



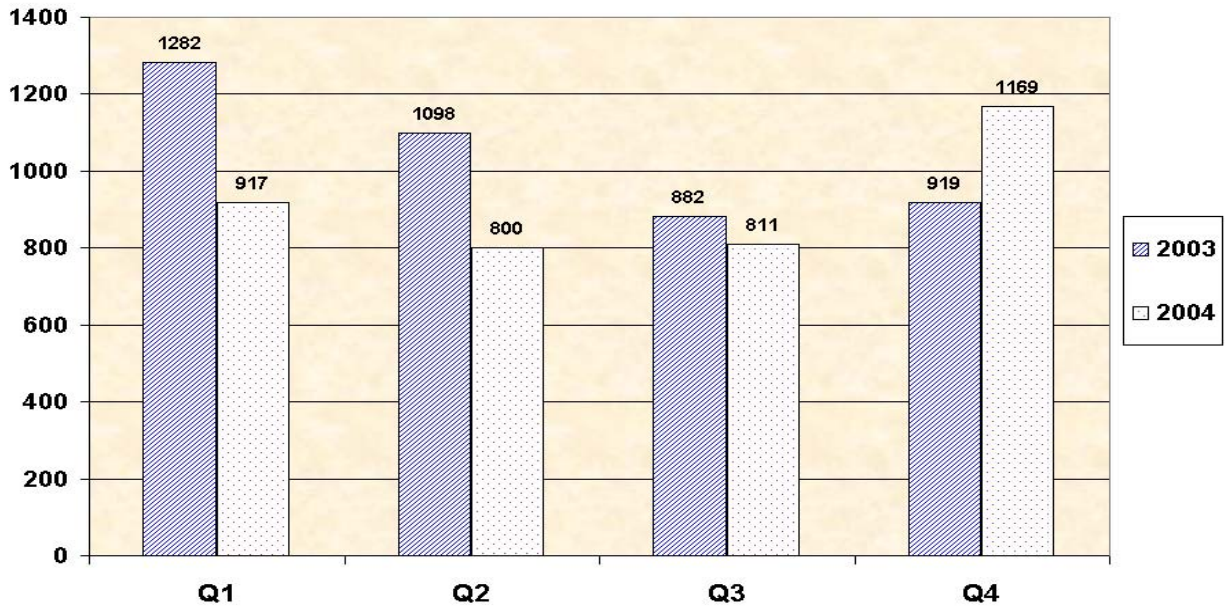
The number of criminal misdemeanor charges filed has fluctuated between 3% and 10% over the last 2 years. The 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2003 saw increases of 5.7% and 9.6% respectively over the same quarters in the previous year. This increase can be partly attributed to a program instituted by the police department known as TRAP. Member businesses gather information on suspected shoplifters and rather than waiting for police assistance to arrive, security releases the suspected shoplifter and sends the information to the police department who then issues citations to the accused. This program led to an increase in shoplifting charges and higher in store arrest rates. The increase was also brought on by the 1,100 youth alcohol arrests made in 2003. While some of these were DUI, many fell under criminal misdemeanor.

# **Tucson City Court** **Charges Filed: Civil Ordinance**



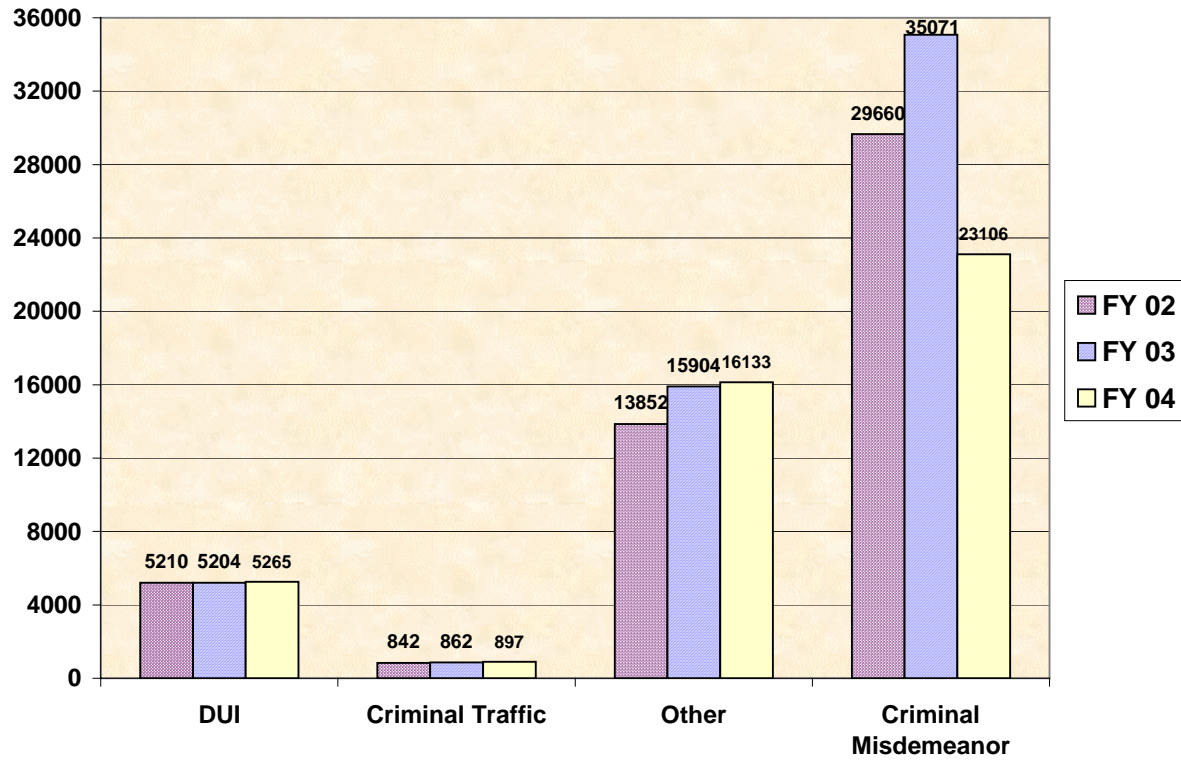
Civil ordinances include noise, junk motor vehicles, skateboarding, graffiti, etc. While the number of civil ordinance charges filed by the Tucson City Police declined from 2002 to 2003, the number has increased from 2003 to 2004. In 2002 the number of civil ordinance charges filed was 3,311. In 2003 the number of civil ordinance charges filed was 2,893 but increased to 3,272 in 2004, a 12% increase. This increase is attributable to the Tucson City Police department's focus on the enforcement of noise and junk motor vehicle ordinances. Respectively, the changes in civil ordinance charges by quarter from 2003 to 2004 were, Q1: -2%, Q2: 30%, Q3: 20%, Q4: -5%.

### Tucson City Court Petitions Filed: Domestic Violence and Harrassment



The number of domestic violence and harassment petitions filed in Tucson City Court has decreased from 2003. In 2003 there were 4,181 petitions filed but this declined to 3,697 in 2004, a 13% decrease. Respectively, the changes in domestic violence and harassment petitions by quarter from 2003 to 2004 were, Q1: -40%, Q2: -37%, Q3: -9%, Q4: 21%. This decrease can be attributed to a new case management policy that dictates where petitions must be filed. For example, Tucson City Court can no longer issue protective orders that include children in domestic disputes -- this must be handled by Superior Court. Additionally, county residents can no longer file petitions at City Court. Countywide filings are up, but the redistribution policy has led to decreases for this court.

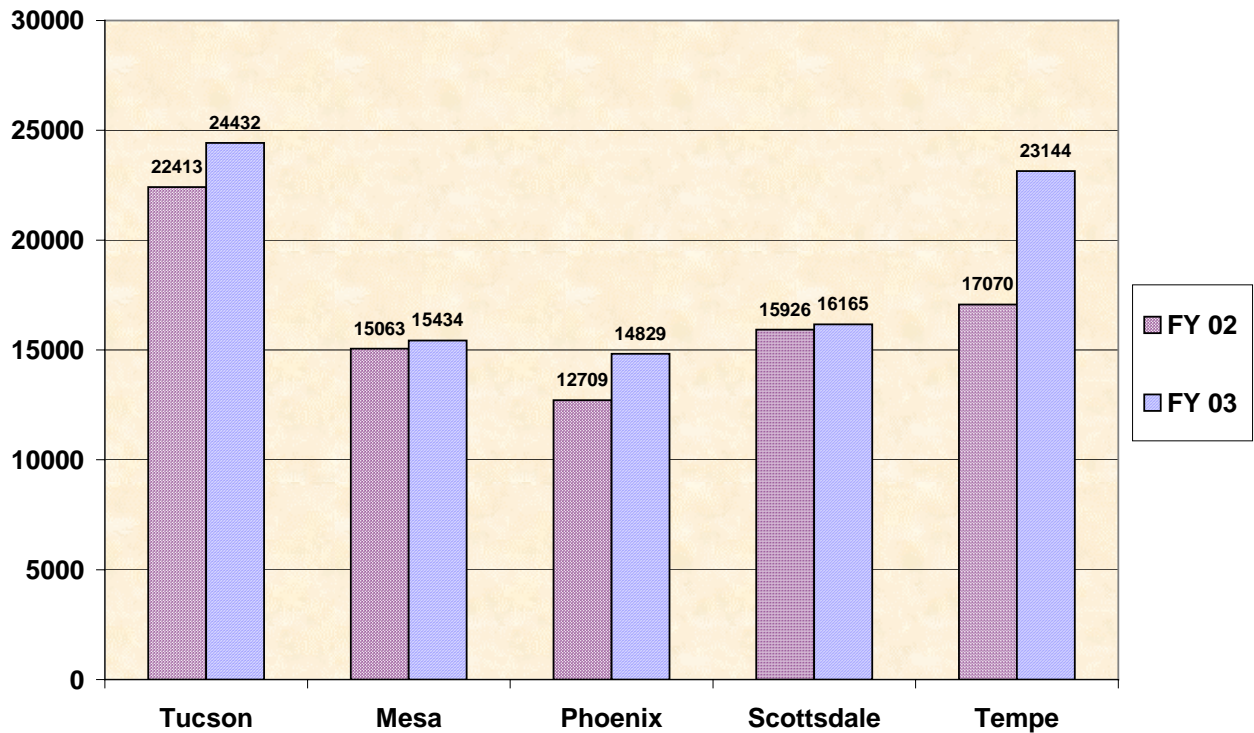
## Tucson City Court Outstanding Warrants



The number of outstanding warrants for DUI remained almost unchanged from fiscal year 2002, 2003 and 2004, with a decrease from 5,210 to 5,204 and then 5,265 respectively. Outstanding warrants for criminal traffic rose 2.4%, from 842 to 862 from fiscal year 2002 to 2003 and rose 4% from fiscal year 2003 to 2004. Other outstanding warrants increased 13%, from 13,852 to 15,904 from fiscal year 2002 to 2003 and rose 2% from fiscal year 2003 to 2004. Criminal misdemeanor outstanding warrants increased 15.5%, from 29,660 to 35,071 from fiscal year 2002 to 2003 but decreased by 35% from fiscal year 2003 to 2004. The number of outstanding warrants decreased by 21% from fiscal year 2003 to 2004 as a result of the Presiding Judge's (Honorable John Leonardo) order that all warrants be served.



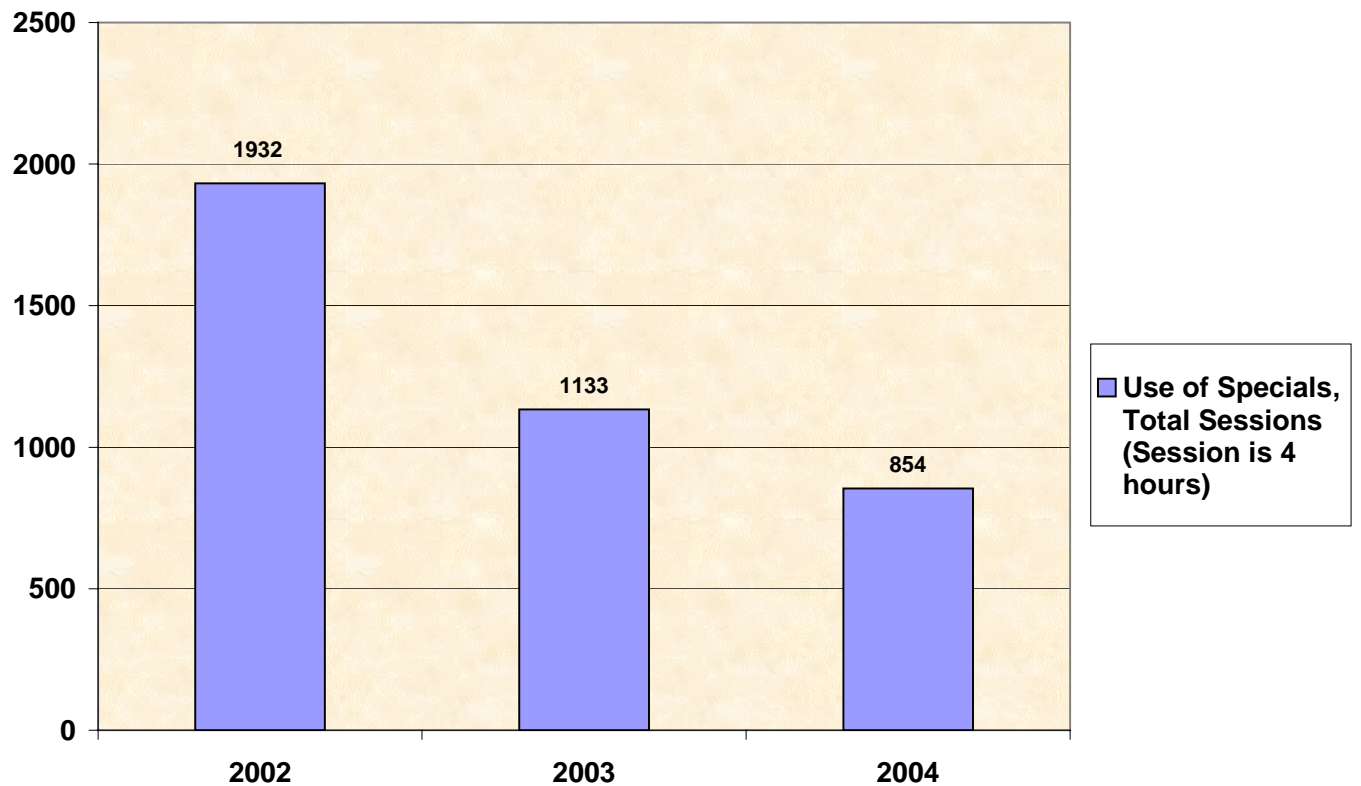
### Number of Cases per Magistrate by Municipality



**THERE WAS A PROBLEM WITH THE DATA FOR CASES PER MAGISTRATE.** The information comparing fiscal year 2002, 2003 and 2004 will be provided with the fiscal year 2005 first quarter report in order to ensure the accuracy of the data.

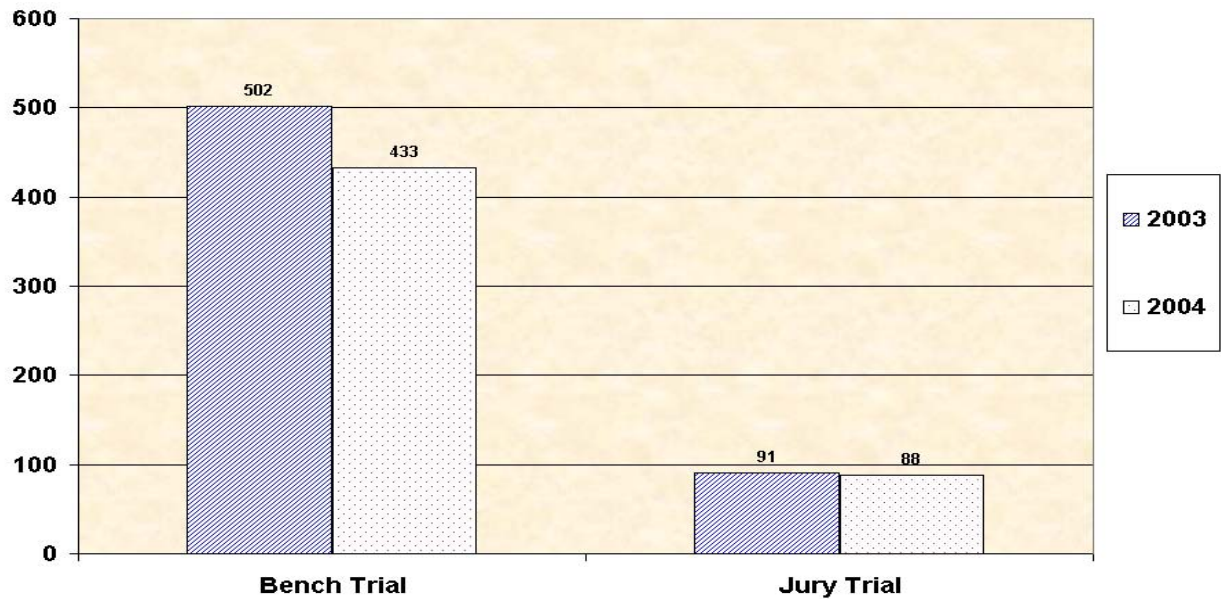
The number of cases per magistrate has remained consistently higher in Tucson than in other municipalities. For fiscal year 2003 Tempe came closest to matching Tucson numbers, but still fell 5.3% short. Tucson saw an increase in number of cases per magistrate of 8.3% (2019 cases) between fiscal year 2002 and fiscal year 2003. In both years Tucson magistrates were assigned substantially more cases than those in Phoenix. In 2002 the difference was 43.3%, while in 2003 it was 39.4%. The discrepancy continued even after Phoenix saw a 14.3% increase in the number of cases per magistrate between 2002 and 2003.

## Tucson City Court Use of Special Magistrates



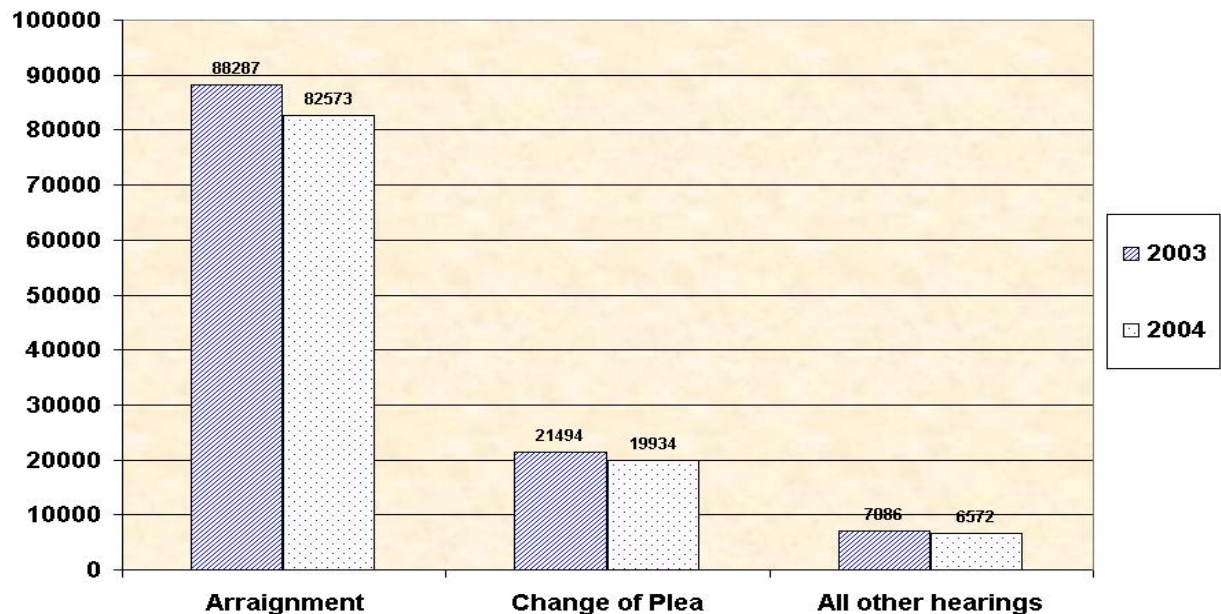
The use of special magistrates fell 41% from fiscal year 2002 to fiscal year 2003. There was a decrease in the use of special magistrates by 25% from fiscal year 2003 to 2004 of The Court now uses an all-assigned calendar where each defendant is assigned to a particular judge at the time of arraignment. Magistrates are therefore required to clear their calendars before taking vacation and are not to rely on special magistrates to cover their caseload. Additionally, each case is only assigned to one magistrate and prosecutor which provides an incentive to them to better manage the caseload without relying upon the use of special magistrates.

### Tucson City Court Trials



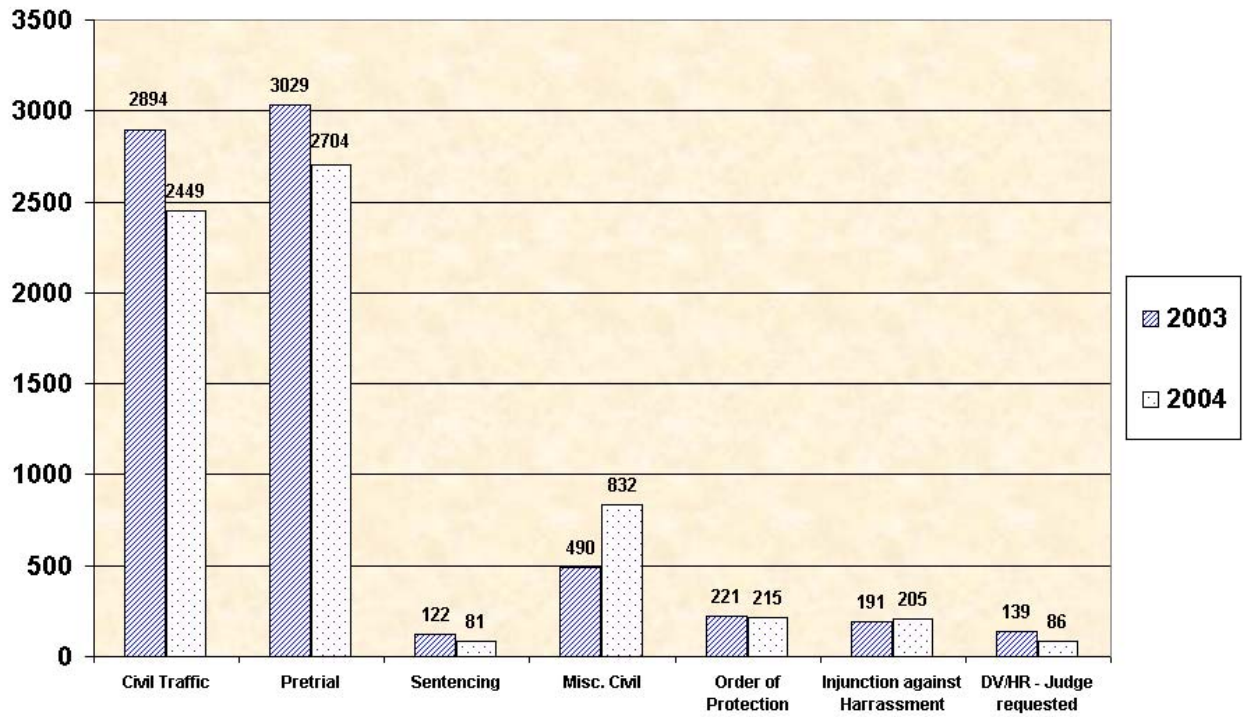
Bench trials make up more than 83% of the trials held in Tucson City Court. In 2003 Tucson City Court held 502 bench trials and 91 jury trials, but this declined in 2004 to 433 bench trials and 88 jury trials, an overall decrease of 14%.

### Tucson City Court Hearings



The majority of hearings in Tucson City Court consist of arraignments and change of pleas. In 2003 Tucson City Court held a total of 116,867 hearings, but this declined to 109,079 in 2004, an overall decrease of 7%. In 2003 there were 88,287 arraignment hearings, but this declined to 82,573 in 2004, a 7% decrease. In 2003 there were 21,494 change of plea hearings, but this declined to 19,934 in 2004, an 8% decrease. In 2003 there were 7,086 other hearings, but this declined to 6,572 in 2004, an 8% decrease.

### Tucson City Court Hearings (Non-Arraignment or Non-Change of Plea)



The remaining hearings (not arraignments or change of pleas) that are held in Tucson City Court fall into the following categories: civil traffic, pretrial, sentencing, miscellaneous civil, order of protection, injunction against harassment, and domestic violence/harassment (judge requested). Civil traffic and pretrial hearings make up the majority of non-arraignment, non-change of plea hearings. All remaining hearings make up a small percentage of the overall hearings held in Tucson City Court. Overall, the number of these hearings has declined by 8% from 2003 to 2004 except for miscellaneous civil and injunction against harassment which have increased during this period.